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No. 4182

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 85 LGN 76

Bangalore, dated 5th October 1976.

Ordered that the Karnataka Private Nursing Homes (Regulation) Ordinance, 1976 promulgated by the Governor of Karnataka in the Twenty-seventh Year of the Republic of India be published as Karnataka Ordinance No. 25 of 1976 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 25 OF 1976

The Karnataka Private Nursing Homes (Regulation) Ordinance, 1976

(*Promulgated by the Governor of Karnataka in the Twenty-seventh year of the Republic of India and first published in the* **Karnataka Gazette** *Extraordinary on the fifth day of October 1976.*)

An Ordinance to provide for better regulation and control over private Nursing Homes in the State.

WHEREAS the private Nursing Homes in the State are running in an unorganised and haphazard manner;

WHEREAS it is expedient in public interest to regulate them;

WHEREAS the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for better regulation and control over private Nursing Homes in the State.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Title and commencement.**—(1) This Ordinance may be called the Karnataka Private Nursing Homes (Regulation) Ordinance, 1976.

(2) It shall come into force on such date as the State Government may, by notification, appoint. Different dates may be appointed for different areas of the State.

2. **Definitions.**—In this Ordinance, unless the context otherwise requires,—

(1) 'appointed day' means the date notified under sub-section (2) of section 1 ;

(2) 'competent authority' means any person or authority appointed by the State Government to perform the functions of the competent authority under this Ordinance and different persons or authorities may be appointed to perform different functions ;

(3) 'Manager' in relation to a private nursing home means the person, by whatever name or designation called who is in charge of, or entrusted with, the running of a private nursing home ;

(4) 'Medical treatment' means treatment in modern medicine and includes treatment in any other system of medicine ;

(5) 'Modern medicine' means the western methods of allopathic medicine, obstetrics and surgery ;

(6) 'Nursing Home' means a place where human diseases are given medical treatment, preventive and/or curative and where facilities for inpatient treatment, investigations, observations or analysis are available and includes a hospital and a clinic;

(7) 'private nursing home' means a nursing home which is not owned or sponsored by the State or the Central Government.

3. **Private Nursing Home.**—(1) No private nursing home shall, on or after the appointed day, be established, run or maintained in the State except according to standards as may be prescribed and with the permission of the competent authority.

(2) Every private nursing home in existence immediately before the appointed day shall apply for such permission within a period of two months therefrom and pending final orders thereon may continue to be run but subject to the other provisions of this Ordinance.

(3) The standards referred to in sub-section (1) may be with reference to the operation theatre, nursing and other staff and their qualifications, facilities to be provided to the patients, maintenance and other like matters.

4. Fees to be charged.—(1) No private nursing home shall charge or collect for the medical treatment given fees in excess of such scales as may be prescribed.

(2) In prescribing the scales of fee due regard shall be had to the size, the number of beds, the nature and number of the staff employed in the private nursing home and other like matters. Different scales of fees may be prescribed for different private nursing homes and in different areas.

5. Permission how obtained.—(1) Any person desiring to establish, run, maintain or continue to run a private nursing home shall make an application to the competent authority in the prescribed form.

(2) Every such application shall be accompanied by the prescribed fee.

6. Disposal of applications.—(1) On receipt of the application under section 5 and after such enquiry as he may deem necessary, the competent authority may grant or, for reasons to be recorded in writing, refuse the permission sought for.

(2) Every such permission shall be subject to such conditions as may be prescribed.

(3) Every order under sub-section (1) shall, as soon as may be after it is made, be communicated to the applicant.

7. Factors to be taken into account in granting or refusing permission.—For disposing of the applications under section 5, the competent authority shall have regard to the following :—

(*a*) whether there is need for a private nursing home at the place where it is proposed to be started;

(*b*) whether the premises housing the nursing home is suitable, hygienically or otherwise ;

(*c*) whether qualified doctors, nurses, technical and other staff are or will be employed ;

(*d*) such other factors as may be prescribed.

8. Inspection, etc.—(1) The competent authority may at any time inspect a private nursing home to satisfy himself that the conditions subject to which permission had been given are being duly observed.

(2) If as a result of such inspection any defects or deficiencies are noticed, the competent authority may issue such directions as are necessary, calling upon the Manager to remedy the same within such time as he may specify. The Manager shall comply with every such direction and make a report to the competent authority.

9. Defaults.—If any private nursing home has committed default in observing any of the conditions subject to which the permission under section 6 was granted, or has failed to comply with any lawful direction issued under this Ordinance, or has contravened the provisions of this Ordinance, the competent authority may, by order, revoke the permission given under section 6 :

Provided that no such order shall be passed except after giving the persons concerned an opportunity of making representation against the proposal.

10. Appeals.—(1) Any person aggrieved by an order under section 6 refusing permission or section 9 revoking the permission may prefer an appeal to the prescribed appellate authority within thirty days from the date of communication of the order.

(2) The order of the Appellate Authority shall be final.

11. Penalty.—Whoever contravenes any of the provisions of this Ordinance shall be liable, on conviction, to

imprisonment which may extend to one year or with fine which may extend to five thousand rupees.

12. **Cognizance of offences.**—No offence under this Ordinance shall be taken cognizance of except after a complaint preferred by the competent authority.

13. **Indemnity.**—No suit or other legal proceeding shall lie against the State Government or any officer of the State Government in respect of anything which is in good faith done by or under this Ordinance.

14. **Rules.**—(1) The State Government may, by notification, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely :—

(*a*) form of the application under section 5 ;

(*b*) conditions subject to which permission under section 6 may be given ;

(*c*) other factors to be taken into account in disposing of applications under section 5 ;

(*d*) the standards referred to in section 3 ; and

(*e*) the fees to be charged.

(3) Every rule made under this section shall, as soon as may be after it is made, be laid before both Houses of the State Legislature.

UMA SHANKAR DIKSHIT,
Governor of Karnataka.

By Order and in the name of the Governor of Karnataka,

M. L. RAMASWAMI,
Draftsman and Ex-Officio *Joint Secretary to Government,*
Department of Law and Parliamentary Affairs.